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## MEMO ENDORSED

August 25, 2008

### VIA FACSIMILE

Hon. Colleen McMahon  
United States District Judge  
United States District Court  
500 Pearl Street, Room 640  
New York, New York 10007

Granted

Colleen McMahon  
8/25/08

Re: New York Rebar Installation, Inc., et al. v. Robert Ledwith, et al.  
07 Civ. 7607 (CM)

Dear Judge McMahon:

I am co-counsel for the defendants/counterclaim plaintiffs in the above-entitled action and am writing on behalf of all parties, in accordance with Rule 1(E) of Your Honor's individual practice rules ("IPRs"), to request a modification of the briefing schedule provided for by Rule 2(D) of the IPRs in connection with plaintiffs/counterclaim defendants' motion for partial summary judgment. The motion was filed on August 21, 2008, making opposition papers due on or before September 4, 2008 and reply papers due on or before September 9, 2008.

Subject to the Court's approval, defendants/counterclaim plaintiffs would file their opposition papers on or before September 17, 2008 and plaintiffs/counterclaim defendants would file their reply papers on or before October 1, 2008. The requested extensions (two weeks for the opposition papers and five days for the reply) are sought due partially as a result of counsels' personal travel schedules and also due to the complex nature of the ERISA-based legal issues presented. No previous request for an extension of the motion schedule has been made.

Hon. Colleen McMahon  
August 25, 2008  
Page 2

The Court's anticipated courtesy in accommodating the parties' request is greatly appreciated.

Respectfully submitted,



Andrew J. Weinstein

cc: Ryan P. Farley, Esq. (via e-mail)  
David Laurent, Esq. (via e-mail)  
George Basara, Esq. (via e-mail)  
Richard H. Makowitz, Esq. (via e-mail)  
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